

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Chapter 11 Case No. 20-10049-TPA
))
TRI-STATE PAIN INSTITUTE, LLC,) Related to Doc. No. 527 , 729
Debtor)

In re:) Chapter 11 Case No. 20-10334-TPA
))
JOSEPH M. THOMAS, M.D.,) Related to Doc. No. 377 , 510
Debtor)

In re:) Chapter 11 Case No. 21-10118-TPA
))
2374 VILLAGE COMMON DRIVE, LLC,) Related to Doc. No. 100 , 187
Debtor)

STIPULATION AND CONSENT ORDER

AND NOW, this 30th day of August, 2021, comes Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc., (“Quinn Law”), Marsh Spaeder Baur Spaeder & Schaaf, LLP (“Marsh Spaeder”), MacDonald Illig Jones & Britton, LLP (“MIJB”), and Knox McLaughlin Gornall & Sennett, P.C. (“Knox Law”) (together referred to as the “Estate Professionals”), and Wells Fargo Bank National Association, by and through their undersigned counsel, and file this Stipulation and Consent Order (the “Stipulation”), as follows:

WHEREAS, pursuant to Paragraph 10 of this Court’s Order dated May 13, 2021 (Doc. No. 142 in Case No. 21-10118; Doc. No. 425 in Case No. 20-10334), \$33,000 was earmarked as a carve-out for the benefit of the U.S. Dept. of Justice, Office of the United States Trustee (the “U.S. Trustee”) in the event it was determined that quarterly fees were due on the credit bid sale;

WHEREAS, it has been determined by the U.S. Trustee that said funds are not due and payable on the credit bid sale, and the U.S. Trustee has no objection to the disbursement of said funds as otherwise permitted under the Bankruptcy Code;

WHEREAS, Quinn Law has additional funds escrowed from the following:

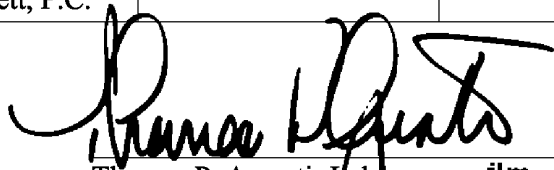
1. \$21,936.14 from the Court-approved sale of Joseph M. Thomas, M.D.'s 2106 Ford F-150 Moab;
2. \$6,240.76 from the return of a utility deposit to 2374 Village Common Drive, LLC;
3. \$7,375.89 in retainer for 2374 Village Common Drive, LLC; and
4. Approximately \$6,000.00 in cash collateral deposits from Joseph M. Thomas, M.D. for the payment of professional fees;

WHEREAS, upon consideration of the allowed and pending fee applications, it appearing that there are approximately \$74,500 of funds escrowed with Quinn Law that are available for distribution to the Estate Professionals in these Cases;

It is ORDERED that said \$74,500 shall be paid to the Estate Professionals on account, as follows:

<i>PAYEE</i>	<i>PERCENT OF AVAILABLE CASH</i>	<i>AMOUNT TO BE PAID</i>
Michael P. Kruszewski, Esquire Quinn Law Firm	52%	\$38,528.41
Gary V. Skiba, Esquire Marsh Schaaf, LLP	18%	\$13,296.15
Gary Eiben, Esquire MacDonald Illig Jones & Britton LLP	11%	\$8,248.83
Guy C. Fustine, Esquire Knox McLaughlin Gornall & Sennett, P.C.	19%	\$14,426.61

Dated: August 30, 2021


Thomas P. Agresti, Judge jlm
United States Bankruptcy Court

STIPULATED TO BY:

/s/ Gary V. Skiba

Gary V. Skiba, Esquire
PA ID No. 18153
300 State Street, Suite 300
Erie, PA 16507
814-456-5301
gskiba@marshlaw.com
Attorney for Tri-State Pain Institute, LLC

/s/ Michael P. Kruszewski

Michael P. Kruszewski, Esquire
PA ID No. 91239
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
814-833-2222
mkruszewski@quinnfirm.com
Attorney for Joseph M. Thomas, M.D. and
2374 Village Common Drive, LLC

/s/ Guy C. Fustine

Guy C. Fustine
PA I.D. No. 37543
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501-1461
814-459-2800
gfustine@kmgslaw.com
Attorneys for the Official Committee of
Unsecured Creditors for Tri-State Pain Institute,
LLC

/s/ Gary Eiben

Gary Eiben, Esquire
PA ID No. 26375
MacDonald Illig Jones & Britton, LLP
100 State Street, Suite 700
Erie, PA 16507
814-870-7664
geiben@mijb.com
Special Counsel for Joseph M. Thomas, M.D.

By: /s/ Salene Mazur Kraemer

Salene Mazur Kraemer, Esquire
PA ID No. 86422
Harry Greenfield
OH ID No. 0003839
Bernstein Burkley
707 Grant Street, Suite 2200
Pittsburgh, PA 15219
412-456-8100
skraemer@bernsteinlaw.com
Attorneys for Wells Fargo Bank National
Association

In re:
Joseph Martin Thomas
Debtor

Case No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Aug 30, 2021

User: culy
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2021:

Recip ID	Recipient Name and Address
sp	+ Gary Eiben, MacDonald Illig Jones & Britton, LLP, 100 State St., Ste. 700, Erie, PA 16507-1459

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 30, 2021 at the address(es) listed below:

Name	Email Address
Andrew F Gornall	on behalf of Interested Party Barbara Noonan agornall@gornall-law.com
Ashley Mulryan	on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC amulryan@kmgslaw.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar	on behalf of Creditor The Kada Gallery cThornton-Illar@leehtishman.com bankruptcy@leehtishman.com;mproden@leehtishman.com;thornton-illarcr81012@notify.bestcase.com
Gary V. Skiba	on behalf of Interested Party Tri-State Pain Institute LLC gskiba@marshlaw.com, DGeniesse@marshlaw.com;rose227@hotmail.com

District/off: 0315-1

User: culy

Page 2 of 2

Date Rcvd: Aug 30, 2021

Form ID: pdf900

Total Noticed: 1

Guy C. Fustine

on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC mwernicki@kmgslaw.com, knoxbank@hotmail.com, burban@kmgslaw.com, amulryan@kmgslaw.com

Harry W. Greenfield

on behalf of Creditor WELLS FARGO BANK N.A. hgreenfield@bernsteinlaw.com, lyoun@bernsteinlaw.com

Jill Locnikar

on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; caseview.ecf@usdoj.gov; kassi.horton@usdoj.gov

Jill Locnikar

on behalf of Creditor United States of America Small Business Administration jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; caseview.ecf@usdoj.gov; kassi.horton@usdoj.gov

Lauren Michaels

on behalf of Creditor Office of Attorney General Department of Revenue lmichaels@attorneygeneral.gov

Maria Miksich

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mmiksich@kmlawgroup.com

Maribeth Thomas

on behalf of Creditor Ally Bank mthomas@tuckerlaw.com maribeth.thomas@gmail.com, jrusnack@tuckerlaw.com

Mark G. Claypool

on behalf of Creditor Ally Bank serviced by Ally Servicing LLC mclaypool@kmgslaw.com knoxbank@hotmail.com; chartle@kmgslaw.com; akus@kmgslaw.com

Michael F.J. Romano

on behalf of Interested Party TIAA Commercial Finance Inc. mromano@rgalegal.com, tyowell@rgalegal.com; jromano@rgalegal.com

Michael F.J. Romano

on behalf of Creditor TIAA Commercial Finance Inc. mromano@rgalegal.com, tyowell@rgalegal.com; jromano@rgalegal.com

Michael P. Kruszewski

on behalf of Debtor 2374 Village Common Drive LLC mkruszewski@quinnfirm.com knottingham@quinnfirm.com; mboni@quinnfirm.com; quinnbankruptcy@gmail.com; mmbquinnbankruptcy@gmail.com; mtrayer@quinnfirm.com; gbebko@quinnfirm.com; jiddings@quinnfirm.com

Michael P. Kruszewski

on behalf of Debtor Joseph Martin Thomas mkruszewski@quinnfirm.com knottingham@quinnfirm.com; mboni@quinnfirm.com; quinnbankruptcy@gmail.com; mmbquinnbankruptcy@gmail.com; mtrayer@quinnfirm.com; gbebko@quinnfirm.com; jiddings@quinnfirm.com

Norma Hildenbrand, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronald B. Roteman

on behalf of Creditor Steven E. Ribbing rroteman@stonecipherlaw.com kannarumo@stonecipherlaw.com

Ronald B. Roteman

on behalf of Creditor Kay B. Ribbing rroteman@stonecipherlaw.com kannarumo@stonecipherlaw.com

Salene R.M. Kraemer

on behalf of Creditor WELLS FARGO BANK N.A. skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com

TOTAL: 22